

REMARKS

Claim Status:

Claims 29-30 and 35 have been objected to because they depend from a rejected claim. The Office Action indicates that these claims would be allowable if rewritten in independent form.

Claims 1-8 and 31 were cancelled previously. The pending claims are claims 9-30 and 32-41 are pending. No claims have been amended herein.

35 U.S.C. § 103(a) Claim Rejections

Claims 9-11, 13-22, 24, 27-28, 32-34, and 36-41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Champlin (U.S. Pat. 3,048,383) in view of Tanabe et al. (U.S. Pat. 5,044,938).

Claim 12 is rejected under 35 U.S.C. §103(a) as being unpatentable over Champlin (U.S. Pat. 3,048,383) in view of Tanabe et al. (U.S. Pat. 5,044,938) as applied to claim 11 above, and further in view of Leap (US 2003/0136019 A1).

Claim 23 is rejected under 35 U.S.C. §103(a) as being unpatentable over Champlin (U.S. Pat. 3,048,383) in view of Tanabe et al. (U. S. Pat. 5,044,938) as applied to claim 22 above, and further in view of Hochstrasser et al. (U. S. Pat. 4,113,977).

Claims 25-26 are rejected under 35 U.S.C. §103(a) as being unpatentable over Champlin (U. S. Pat. 3,048,383) in view of Tanabe et al. (U.S. Pat. 5,044,938) as applied to claim 24 above, and further in view of Melgaard (U. S. Pat. 5,263,265).

Claims 9-11, 13-22, 24, 27-28, 32-34 and 36-41 are rejected under 35 U.S.C. §103(a) as being unpatentable over in view of Tanabe et al. (U. S. Pat. 5,044,938) in view of Champlin (U. S. Pat. 3,048,383).

Claim 12 is rejected under 35 U.S.C. §103(a) as being unpatentable over Tanabe et al. (U.S. Pat. 5,044,938) in view of Champlin (U.S. Pat. 3,048,383) as applied to claim 11 above, and further in view of Leap (US 2003/0136019 A1).

Claim 23 is rejected under 35 U.S.C. §103(a) as being unpatentable over Tanabe et al. (U.S. Pat. 5,044,938) in view of Champlin (U.S. Pat. 3,048,383) as applied to claim 22 above, and further in view of Hochstrasser et al. (U.S. Pat. 4,113,977).

Claims 25-26 are rejected under 35 U.S.C. §103(a) as being unpatentable over Tanabe et al. (U. S. Pat. 5,044,938) in view of Champlin (U.S. Pat. 3,048,383) as applied to claim 24 above, and further in view of Melgaard (U.S. Pat. 5,263,265).

All these rejections are based on combinations of references that in turn are based on an application of Tanabe et al. to the claims. Thus, should the application of Tanabe be incorrect, all the rejections listed above must be withdrawn. The Examiner asserts that Tanabe et al. discloses a "concept" required by the claims. In the next paragraphs, the Applicants demonstrate why the Tanabe et al. reference does not disclose the "concept" discussed by the Examiner.

In his analysis, the Examiner alleges that "Tanabe et al. teach a concept of regulating the gas stream temperature by controlling the fan 7 rotation speed in response to the gas stream temperature detected by the temperature sensor 12." As support for this conclusion, the Examiner points to column 4, lines 31-40, of Tanabe. Applicants disagree and wish to emphasize that this interpretation of Tanabe is clearly

incorrect. There are at least two reasons that Tanabe et al. does not teach the asserted concept.

First, a close analysis of Tanabe et al. shows that Tanabe provides a burner 4 for heating the gas (see column 3, lines 1-4 of Tanabe). This shows that Tanabe, therefore, uses a burner and not a regulation of the fan means for regulating the temperature.

Second, the passages cited by the Examiner, in particular column 4, lines 31-40 only refer to pressure regulation; they do not refer to temperature regulation. The temperature is only used for determining or normalizing the pressure. In other words, Tanabe uses the temperature to calculate a normalized pressure to be able to regulate the pressure based on a normalized pressure i.e., to compensate for temperature variations of the pressure. However, nowhere in this passage or anywhere else in Tanabe is there any sort of hint to control the fan means to regulate the temperature as required by Applicants' the claims.

Applicants have demonstrated why the Examiner's interpretation of the disclosure of Tanabe et al. is clearly incorrect. As a result, because all the rejections are based on an application of the Tanabe reference to the claims, and the application of Tanabe to the claims is incorrect, all the rejections listed above must be withdrawn.

The Applicants therefore respectfully request the Examiner reconsider and withdraw the rejections based on 35 U.S.C. § 103(a).

Conclusion

The claims are not rendered obvious by the cited prior art. Reconsideration is requested.

Should the Examiner believe that a discussion of this matter would be helpful the Examiner is invited to telephone the undersigned at (312) 913-0001.

Respectfully submitted,

Dated: January 13, 2011

By: /Steven J. Sarussi/

Steven J. Sarussi
Reg. No. 32784

McDonnell Boehnen
Hulbert & Berghoff LLP
300 S. Wacker Drive
Chicago, IL 60606
(312) 913-2136